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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,656	10/18/2001	Richard L. Guldi	TI-25047	8103

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EXAMINER

NOLAND, THOMAS

ART UNIT

PAPER NUMBER

2856

DATE MAILED: 01/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 2856

1. The preliminary amendment filed Oct. 18, 2001 has been entered.
2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
3. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-10 and 14-18, drawn to a fabrication method or a wafer processing system, classified in class 73, subclass 863.01.
 - II. Claims 11-13, drawn to a fabrication method, classified in class 73, subclass 28.01.
4. The inventions are distinct, each from the other because:

Inventions Group 2 and claims 1-10 of group 1 are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP

Art Unit: 2856

§ 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because it does not require sampling when a predetermined event occurs as evidenced by such at most being claimed independent claim 13 of group 2. The subcombination has separate utility such as use as a sampler in a fabrication method without necessarily correlating variations is a signal from a process chamber to particle excursions in the exhaust to produce relationship therebetween as in group 1, etc.

5. Inventions Group 2 and claims 14-18 of group 1 are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus as claimed can be used to practice another and materially different process such as general monitoring in a wafer processing system without necessarily correlating as in group 2.

6. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Art Unit: 2856

7. Because these inventions are distinct for the reasons given above and the search required for Group 1 is not required for Group 2, and vice-versa, restriction for examination purposes as indicated is proper.

8. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Noland whose telephone number is (703) 305-4765. The examiner can normally be reached on weekdays from 9:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Hezron E. Williams, can be reached on (703) 305-4705.

The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

1/29/03
Thomas P. Noland
Primary Examiner
Art Unit 2856



Noland/ek
01/27/03